

## Conducting Developmentally - Appropriate Child Interviews

*A Conversation with Dr. Karen Saywitz*

*by Claire Sandt*

An expert in forensic interviewing, Dr. Karen J. Saywitz is an associate professor at the UCLA School of Medicine and Director of Child and Adolescent Psychology at the Harbor-UCLA Medical Center, in Torrance, CA. She conducts research and publishes widely on forensic interviewing, most recently on innovative interviewing techniques and methods for assessing children's competence to testify.

In the following interview, Dr. Saywitz offers guidance on:

- ☐ how interviewing children differs from interviewing adults;
- ☐ tailoring interviews to match children's developmental needs;
- ☐ how to avoid misinterpreting children's responses;
- ☐ working with children who offer little or no information;
- ☐ appropriate use of leading questions; and
- ☐ resources for interviewing children.



### **How does interviewing a child differ from interviewing an adult?**

Children are not miniature adults. The differences are more than distinctions in years and inches. Children think, feel, communicate, and relate in a qualitatively different manner. First, children do not merely absorb the adult view of reality. They construct their own understanding as they try to make sense of the world around them.

Children create their own explanations for what they observe and revise principles as

they go. As a result, there are developmental differences in experience and knowledge that dictate the amount and kind of information a child can provide and the techniques required to elicit it successfully.

Second, children are accustomed to interacting with familiar adults they can trust, in familiar settings (e.g., parents, teachers). Children typically fear the unknown (e.g., interviewers, offices, interviews). They have less developed skills for coping with anxiety — anxiety that can interfere with their ability to be forthcoming with complete, reliable reports. Since avoidance is a common way children cope with stress, they may be less than cooperative witnesses, requiring special techniques to establish trust and rapport.

Third, children differ from adults in their ability to comprehend and produce language, rendering the phrasing of questions critical to eliciting reliable statements. Often, children are asked questions in language they do not comprehend about abstract concepts they do not understand. The problem often has more to do with the competence of the interviewer than the child.

The interviewer's sensitivity and demeanor, the setting, and the way questions are phrased can undermine or facilitate children's ability to provide the most reliable and complete accounts of which they are capable. The interviewer's goal is to create an opportunity for maximal functioning and to bridge the world of the child with that of the adult.



## **How does the child's developmental level influence the kinds of questions a lawyer should ask when interviewing a child?**

Children are not a homogenous group. Preschoolers, school-age children, and adolescents pose different challenges for interviewers depending on their stage of

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memory, language, knowledge, and emotional maturity. Even if they witness the same event, the renditions of a 3, 5, and 10 year old will differ depending on their ability to retrieve details, comprehend questions, resist suggestion, and cope with stress.

For example, if you ask, "What happened?":

- A 10 year old is likely to give a fairly detailed, chronological account which spontaneously recounts the *who, what, where, and when* something happened.
- A 5 year old will give a more limited response, such as "We played." To find out more information, you will have to ask some open-ended, specific questions, such as "Who did you play with?" or "Where did you play?"

- A 3 year old rarely gives more information than asked for and might respond with "Nothing" or "I don't know." Specific questions elicit additional information, but if misleading they may distort the child's statement.

Children's spontaneous descriptions tend to be accurate, but incomplete. Preschoolers' spontaneous reports tend to be insufficient for decision-making in the legal arena. More information is forthcoming with follow-up questions, but the methods used to elicit additional information can facilitate or undermine accuracy, relevance, and consistency.

Older children provide more complete and detailed descriptions independently.

Younger children rarely give more information than is requested. Their narratives can be skeletal. Follow up questions can focus them on the topic at hand, trigger retrieval of detail and overcome reticence. But if questions are misleading, they create the potential for distortion.

Three and four year olds are the most vulnerable to the effects of suggestive questions and the reliability of their reports are highly dependent on the way in which they are questioned.



## **What are some developmental considerations when interviewing children?**

Four important areas to consider are the child's stages of language, cognition, emotional maturity, and suggestibility.

*Match questions to the child's stage of language development.*

Questions should be phrased in language the child can understand. Pay special attention to the child's vocabulary and grammar. Before the interview, listen to the child talk. Count the number of words the child uses in a sentence,

and the average number of syllables in words used. If a child uses short sentences and one- to two-syllable words, keep our sentences short and simple to aid comprehension. Avoid complex grammatical constructions like embedded clauses and double negatives.

Simplifying vocabulary by using fewer-syllable words and short sentences automatically lowers the complexity of the language and helps the child understand questions. For example, a child was asked in the courtroom to *identify* (three-syllable word) the person who hurt her. The child could not identify anyone. Later, when the child was asked to *point to* (one-syllable words) the person who hurt her, she was able to do so. An inconsistency was created by the different wording used in these two requests.

*Match the question to the child's cognitive ability and knowledge base.*

Inconsistencies and misunderstandings are created when questions require skills children have not yet mastered. Problems arise, for example, when a child who has not learned how to count is asked how many times something happened. Similarly, you cannot ask how tall someone was and expect a young child to answer in feet or inches.

Conventional systems of measurement are learned gradually over the course of the elementary school years. Depending on the specific facts of the case, you may need to determine if the child has the knowledge or ability to provide the desired information.

Simple methods can be used to help easily assess a child's cognitive skills. For example, before asking "What color car was the man driving?" an interviewer can show a box of crayons and ask a child to name the colors. You often need to find alternative ways of seeking information. If a child cannot tell time and timing is critical to verifying an alibi, ask "What program was on TV when he came in?" and check the TV guide to establish the time.

*Match the interview process to the child's level of emotional maturity.*

The forensic process is stressful even for adult witnesses. Children understand the world from their own concrete viewpoint and limited experiences. They know little of legal procedure or society's need for adjudication. As a result, they have difficulty coping with

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*To make sure the child understands the meanings of words you use, ask the child to define terms in their own language or use the word in a sentence.*

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stress the way adults do. Adult witnesses rationalize that they are cooperating with an aversive process for some greater good. Children have difficulty using abstract knowledge about the "big picture" to put their feelings in perspective. They can be overwhelmed with feelings that contribute to their reluctance.

Children need interviewers to take the time to establish rapport and build trust. Although you need to maintain an objective, neutral stance toward the veracity of the allegations, this does not preclude showing kindness and respect. Anxiety can be reduced when interviewers show empathy. Saying "Don't feel nervous" devalues the child's feelings and shows you don't understand. Instead, anticipate and acknowledge a child's feelings, "I wonder if it is hard for you to talk to someone you don't know, like me, in someplace you have never been before, like my office."

In addition to rapport and empathy, lawyers should help children understand the context of the meeting. Sketch an outline of what will

happen. Give children a sense of the purpose of the interview, your role and their role in the process. For example, say something like:

"I'll sit here, you will sit here. Your mom will wait here until we are finished. This will take about as long as one TV program. I will ask you some questions and later you can ask me questions too. Your job is to tell me what you saw and what you heard..."

Address limits on confidentiality if they exist. Children are worried about who you will tell. If perceived confidences are later betrayed you lose all rapport and trust. Educating children about the steps of the legal process is essential (e.g., flow of information from police investigation, to lawyers, to parties, to public courtroom).

*Design the interview to minimize the potential for distortion of children's statements.*

Very young children (3 to 4 year olds) are the most vulnerable to suggestive questions. Although young children are capable of giving reliable and meaningful information, their responses are more easily influenced by the interviewer's demeanor, the context, and the way questions are asked. By age six or seven, children's resistance to suggestion increases significantly. By age 10-11, there is another shift towards adult levels.

Questions fall on a continuum. On one end are highly-leading questions ("It was John who hurt you wasn't it?"). On the other end are nonleading questions ("Is there anything you want to tell me?"). Not all leading questions are equally dangerous. Differing opinions exist about the potential for questions in the center of the continuum to aid or distort a child's responses, depending on the child's age, interviewer's competence, and the circumstances of the case.

To guard against contaminating the responses of very young children:

- Maintain an objective, neutral stance toward veracity of allegations.
- Avoid creating an accusatory atmosphere. Do not refer to suspects as "bad" people who did "bad" things.
- Start with open-ended questions and move to more specific questions cautiously after nonleading approaches fail. First use "wh" questions ("Where were you?" "Who was there?") And, if necessary, follow with questions to clarify, elaborate, or justify.
- Limit leading questions. Turn potentially leading "Yes-No" questions (e.g., "Did he touch your pee-pee?") into open-ended "wh" questions (e.g., "What did he do with his hands?")
- Help children elaborate on spontaneous comments in their own words (e.g., "Can you tell me more?") Do not interrupt with information from other sources.
- Introduce new information cautiously as a last resort toward the end of the interview.
- Avoid multiple choice questions with very young children.
- Explore alternative explanations for children's statements (e.g., bathing).



**What kinds of words should lawyers use/avoid when questioning a child?**

*Avoid legalese and uncommon usage.*

Research on children's understanding of legal terminology reveals children confuse terms with other similar-sounding words (e.g., jewelry for *jury*), or they assume the more common meanings for words (e.g., *charges* are something mom does with her credit card; a *court* is a place to play basketball; a *hearing* is something you do with your ears). To make

sure the child understands the meanings of words you use, ask the child to define terms in their own language or use the word in a sentence. The child may say yes when you ask if he or she knows what allegations are, but be thinking of alligators.

*Use concrete, visualizable terms (e.g., gun), rather than abstract or categorical terms (e.g. weapon). Talk in terms of pictures, not ideas.*

*Use proper names (Mary, Mr. Smith) instead of pronouns (him, her, they, him, she).*

*Use active voice ("Did he hit her?") rather than passive voice ("Was she hit by him?")*

*Avoid words ending in "-tion" (molestation). Children do not understand them.*



### **How can a lawyer avoid misinterpreting a child's responses to questions?**

The three most common misinterpretations involve adults: (a) misinterpreting certain behaviors as indicators of reliability; (b) misinterpreting answers when questions are developmentally inappropriate; and (c) misinterpreting inconsistencies or implausibilities as indicia of veracity.

*Be careful not to mistake emotional reactions as indicators of reliability.*

Emotional reactions associated with certain disorders, such as depression or post-traumatic stress disorder (PTSD), can easily be misinterpreted as insincerity or confabulation. A child who is depressed may be indecisive, pause for long periods before answering questions, or be indifferent ("I don't care."). If a witness waits a long time before answering, you may think he or she is making up an answer. Or if the witness is indecisive, you may think his or her testimony is unreliable. In some cases, these are indicators of psychological distress, *not* honesty.

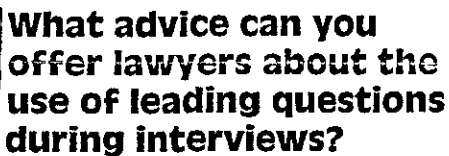
Similarly, a child suffering from PTSD may go to great lengths to avoid you and the courtroom to avoid any reminders of trauma. Avoidant behaviors, common in persons suffering from PTSD, may make the child appear incompetent for reasons having nothing to do with reliability.

If you believe a child suffers from an emotional or psychiatric disorder, have the child evaluated by a mental health professional. If the child is already seeing a mental health professional, consult him or her to find out what kinds of symptoms the child may show on the stand.

*Be careful not to ask questions requiring skills the child has not yet mastered. Do not discount a child's testimony based on a few implausible statements.*

Children *will* try to answer questions even if they lack the requisite skills. The result may be irrelevant, inconsistent or even bizarre responses. As children try to make sense of the world in terms of their own limited experience, their responses may sound implausible. For example, a child may say the train went by because the dog barked, rather than understanding the reverse to be true. The child is correct about the facts — there was a dog and a train — but has misinterpreted the causal relationship (i.e., the train caused the dog to bark).

At certain stages of development, young children reason illogically, overgeneralizing from one thing to another, assuming causal relations where none exist. A mistake adults often make is allowing a few unbelievable comments (that are to be expected at early stages of causal reasoning) to invalidate the rest of what a child may have to offer. Even descriptions of genuine abuse will include inconsistencies and lack detail depending on the child's stage of development.



Interviewers face a dilemma. If they limit themselves to open-ended questions ("Is there something you want to tell me?"), some abused children will not disclose the experience for a variety of reasons beyond the scope of our conversation. On the other hand, if interviewers proceed with focused and specific questions, at some point they run the risk of becoming suggestive and distorting children's statements. Which risk is more tolerable? Neither. Interviewers must strive to reduce both false allegations and false denials of genuine abuse to the greatest degree possible, depending on the age of the child and the circumstances of the case.

Open-ended questions do not guarantee accuracy. If too general or vague (Interviewer: "Did he put *something* in your mouth?" Child: "No") they can go sailing over the child's head and result in greater error than specific questions (Interviewer: "Did he take your temperature with a thermometer?" Child: "Yes"). In a study of children's memory for a medical exam, we used these two questions and the more specific question elicited the accurate responses. On the other hand, highly leading questions ("It was John who hurt you, wasn't it?") must be avoided. The merits and dangers of specific questions depend on a host

### Occasional Questions

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## Changing the Game

## Yes/No Question

## Repeated Questions

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of characteristics about the child (e.g., age, temperament), the context (e.g., familiar, accusatory), the event to be recalled (e.g., traumatic, distant past), the interviewer (e.g., supportive, intimidating) and the interview process itself (e.g., repeated questions, multiple interviews, phrasing). A question may be "too" leading in one case and justified in another.

Sometimes developmental limitations can be overcome with judicious use of specific questions that are as nonleading as possible. The consensus among researchers is that :

- children should be interviewed promptly to minimize forgetting and maximize accuracy;
- highly leading questions should be avoided; and
- nonleading approaches should be used first.



### **Do you have any other advice for lawyers who are involved in interviewing children?**

Researchers have not produced a protocol that can be held out as the gold standard by which all interviews should be conducted. Studies have produced guidelines where there is consensus. There is probably more consensus than recent debates in the literature would lead you to believe. However, controversies and inconsistent data do exist and reasonable minds do differ on a few key issues. Due to methodological and ethical limitations, research findings remain silent on many critical questions. We do not have all the answers.

When a child walks into your office, often the choice is between an imperfect interview or none at all. There is no doubt that errors will be made in the honest pursuit of truth. We need to accept the fact that even when

interviewers ask all the "right" questions, interviews with young children often fail to meet fully the interviewer's objectives. Relevant and meaningful information may be elicited, but key questions can remain unanswered (especially in a single interview).

Interviewers need to accept the differences between adult and child witnesses. They need to make informed choices on a case-by-case basis about the best methods for managing a child of a given age in a given situation.

Children's statements can rarely be characterized as simply true or false, nor can their behaviors be simply described as competent or incompetent, credible or incredible. Reliability, credibility, and competence are multiply determined. With young children, we do our best to minimize the potential for distortion, maximize the opportunity for the child to give the most reliable and complete report they can, and place the least stress on children possible in the process.